

Reference No.: B066158

Mailing No.: 337569

Mailing Date: May 18, 2010

NOTICE OF REASONS FOR REJECTION

(TRANSLATION)

Patent Application Number: 2006-540180

Drafting Date: May 13, 2010

Patent Office Examiner: N. Nakao

Attorney for Patent Applicant: Atsushi Aoki et al.

Applicable Provisions: Article 29, the body;
Article 29, paragraph 2;
Article 36; and
Article 37;

It is deemed that this application should be rejected for the reasons given below. Any argument should be submitted in writing within three months from the mailing date of this notice.

REASONS

[Reason 1]

The invention described in the claims, indicated in the remarks below, of this application, does not satisfy the requirements prescribed in Article 29, the body of the Patent Law, on the points indicated in the remarks below, and therefore is unpatentable.

REMARKS

The inventions according to claims 22 and 23 are inventions of "a method of applying a dressing sheet of a dressing product according to any of claims 1 to 21 to an anatomical surface of a living being". The methods comprise a method for treating a human being by physical therapy, etc., for alleviation, suppression, or prevention, etc. of a disease, and correspond to a "method for treating a human being"; thus the above-mentioned inventions do not correspond to an "industrially applicable invention".

Even if the above-mentioned methods are methods which an individual carries out by himself, the methods are utilized only on a personal basis, and are not inventions of an industrially applicable method; therefore the above-mentioned inventions do not correspond to an "industrially applicable invention".

(Refer to the explanation in "Examination Guidelines for Patent and Utility Model" Section II, Patentability Requirements, Chapter 1, "Industrially Applicable Inventions", 2.1).

As mentioned above, it is obvious that the inventions according to claims 22 and 23 do not correspond to industrially applicable inventions as prescribed in the body of Article 29, Paragraph 1 of the Patent Law, and accordingly, examination on patentability requirements other than the body of Article 29, Paragraph 1 of the Patent Law has not been carried out for the inventions according to claims 22 and 23.

[Reason 2]

This application does not satisfy the requirements

prescribed in Article 37 of the Patent Law, on the points indicated in the remarks below.

REMARKS

The inventions according to claims 1 to 18, 24, and 25, the inventions according to 19 and 20, and the invention according to claim 21 have technical characteristics that they provide "a dressing sheet, one first surface of which is provided with an adhesive, whereby said first surface defines an adhering surface for attaching the dressing sheet to an anatomical surface of a living being; a carrier system defining a gripping section for handling of the carrier system by human fingers, the carrier system providing a support for the dressing sheet" (refer to independent claims 1, 19, 21, etc.).

However, a dressing product which supports a dressing sheet having an adhering surface and is equipped with a carrier system having a gripping section is known (for example, refer to References 1 to 3, etc. below). The common technical characteristics mentioned above do not contribute to the prior art, and thus the technical characteristics are not deemed to be exceptional technical characteristics.

In addition, another identical or corresponding exceptional technical characteristics does not exist among the inventions according to claims 1 to 18, 24, and 25, the inventions according to claims 19 and 20, and the invention according to claim 21.

Therefore, the invention according to claims 1 to 18, 24, and 25, the invention according to claims 19 and 20, and the invention according to claim 21 do not have an

identical or corresponding exceptional technical characteristic.

Accordingly, this application does not satisfy the requirements prescribed in Article 37 of the Patent Law.

As described above, the invention according to claims 1 to 18, 24, and 25, the invention according to claims 19 and 20, and the invention according to claim 21 do not correspond to a group of inventions which satisfy the requirements for unity of invention, and thus, this application does not satisfy the requirements prescribed in Article 37 of the Patent Law.

Since this application violates the provisions of Article 37 of the Patent Law, an examination was not carried out regarding the requirements other than Article 37 of the Patent Law for the inventions according to claims 19 to 21.

[Reason 3]

The specification is deemed defective on the points indicated in the remarks below, and therefore this application does not satisfy the requirements prescribed in Article 36, paragraph 4, item 1 of the Patent Law, and the claim statement is deemed defective on the points indicated in the remarks below, and therefore this application does not satisfy the requirements prescribed in Article 36, paragraph 6, item 2 of the Patent Law.

REMARKS

(1) In the section of [Brief Description of the

Drawings] of the specification of the present application, an explanation of the drawings is not described, and therefore the specification is unclear.

(2) Claim 1 recites "a dressing sheet, one first surface of which is provided with an adhesive, whereby said first surface defines an adhering surface for attaching the dressing sheet to an anatomical surface of a living being", but from the order of the above description, what is referred to by "one ...of which" is unclear, and the meaning of "whereby" is not understandable. In addition, the usage of the gramatical particles, etc., described above is not adequate as a Japanese sentence. (Please note that the Japanese description is not clear. Does the above description in claim 1 mean that an adhering surface is formed on the dressing sheet by applying an adhesive on the first surface?)

(3) From the description of claim 1, it is understood that a "carrier system" has a "gripping section" and a "supporting section", but it is unclear at which part of the "carrier system" the "gripping section" and the "supporting section" are arranged in relation to the dressing sheet.

(For example, with reference to the descriptions of claim 8 and paragraph [0025], isn't it necessary to describe that the "gripping section" be arranged so as to extend beyond the bounds of the dressing sheet, etc.? Regarding the "supporting section", refer to (7) below.)

(4) Claim 1 recites "during application thereof", but

it is unclear as to which application on what the "application thereof" refers to.

(Is it when the dressing sheet is applied to an anatomical surface of a living being?)

(5) Claim 1 recites "wherein the carrier system comprises a supporting section and a protective sheet, said supporting section and protective sheet being adjoined along a curved or linear line", but it is unclear as to which part of which member the "curved or linear line" refers to.

(Are the supporting section and the protective sheet adjoined each other?)

(6) What the "protective sheet" described in claim 1 protects is unclear.

(Is it a sheet covering the adhesive on the adhering surface of the dressing sheet?)

(7) Claim 1 recites "wherein the adhering surface of the dressing sheet defines an overlapping region in which the sheet adheres to the supporting section, and a non-overlapping region in which the sheet does not adhere to the supporting section", but the regions indicated by the "overlapping region" and the "non-overlapping region" are unclear as to what and what overlap or do not overlap.

(Does the supporting section of the carrier system mean the region where the carrier system overlaps the dressing sheet?)

(8) Claim 2 recites "wherein the supporting section

and the protective sheet are adjoined along a fold line", but it is unclear on which member said "fold line" is formed.

(Is it true that either one or both of the supporting section and the protective sheet are folded back, and the supporting section and the protective sheet are adjoined at the folded-back section (Refer to paragraph [0083], FIG. 42, etc.)?)

(9) Claim 3 recites "edge portion", but which part of which member is referred to by the "edge portion" is unclear.

(Are a supporting section and a protective sheet adjoined along the edge portion of each one?)

(10) As claim 5 is dependent on a claim other than a claim (for example, claims 2, 3, etc.) wherein a supporting section and a protective sheet are not specified to be adjoining**, there is no "adjoining line", and thus the description of claim 5 is indefinite.

[**Translator's note: deemed to be a misdescription, and should be read as --As claim 5 is dependent on a claim other than a claim (for example, claims 2, 3, etc.) wherein a supporting section and a protective sheet are specified to be adjoining.--]

(11) Usage of grammatical particles, etc., in claims 4 and 6 is not adequate as a Japanese sentence, and therefore the Japanese description is not clear.

(Does claim 6 mean that, on the portion covering the adhering surface of a carrier system, with the adhering

surface of the dressing sheet covered by the carrier system, an opening accessible to a part of said adhering surface is provided?)

(12) The positional location referred to by "centrally over the dressing sheet" described in claim 7 is unclear. (Isn't it the center of the dressing sheet?)

(13) What is the "largest cross-sectional dimension" described in claim 9? It is unclear even in consideration of the descriptions of paragraph [0025], etc. in the specification.

(14) Claim 10 recites various ranges of the surface area, thus, is not suitable as a description of a claim.

(15) Since claim 11 is dependent on a claim other than a claim (for example, claims 2, 3, 5, etc.) wherein a supporting section and a protective sheet are not specified to be adjoining**, there is no "adjoining line", and thus the description of claim 11 is indefinite.

[**Translator's note: deemed to be a misdescription, and should be read as --As claim 11 is dependent on a claim other than a claim (for example, claims 2, 3, 5, etc.) wherein a supporting section and a protective sheet are specified to be adjoining.--]

(16) How the "tension" described in claim 11 is applied to a carrier system by moving a member is unclear.

(17) The relationship between a "supporting sheet"

described in claim 13 and a "supporting section" described in claim 1, etc., is unclear.

(Is a supporting section formed by a supporting sheet?)

(18) Whether or not the "adhering layer" described in claim 15 is the same as the "adhering surface" described in claim 1, etc., and what is indicated by the "adhering layer" are unclear.

(The terms should be unified.)

(19) Claim 17 recites "backing layer", but on which a "backing layer" is provided is unclear. What the "adhesive" applied to a "backing layer" adheres to is also unclear.

(Is a dressing sheet made of a backing layer and an adhesive applied to the backing layer? The relationship with the "adhesive" set up on the "first surface" described in claim 1, etc., should be clarified.)

(20) Whether or not the "dressing patch" described in claim 24 is the same as the "dressing sheet" described in claim 1, etc., and what is indicated by the "dressing patch" are unclear.

(The terms should be unified.)

[Reason 4]

The invention described in the claims, indicated in the remarks below, of this application is one which could easily have been made, prior to the filing of the present application, by a person with ordinary skill in the art to which the invention pertains, on the basis of the invention described in the publications cited in the remarks below,

distributed domestically or abroad, or made available to the public through electric telecommunication lines, prior to the filing of the present application, and therefore is unpatentable under the provisions of Article 29, paragraph 2 of the Patent Law.

REMARKS (See the List of Cited References for the numbers of the cited references, etc.)

- Claims 1, 3 to 5, 8 to 18 and 24 to 25
- References 1 to 3
- Note

Reference 1 (refer to the embodiment and drawings, etc.), Reference 2 (claims, pages 4 and 5 of the specification, FIG. 5, etc.), and Reference 3 (paragraphs [0024] to [0045], FIGS. 1 to 15, etc.) describe a product wherein a carrier system of a dressing sheet is equipped with a gripping section, a supporting section, a protective sheet, a region overlapping the dressing sheet, and a region non-overlapping the dressing sheet, and the supporting section and the protective sheet are adjoining each other along an edge portion formed by a slit, etc. Thus, there is no remarkable difficulty for a person skilled in the art to conceive of the invention of claims 1, 3 to 5, 8 to 18, 24, and 25 of the present application.

- Claim 2
- References 1 to 4
- Note

Reference 4 describes that a pair of release backings be adjoined along their fold lines (pages 9 and 10, FIG. 3,

etc.).

Adjoining a supporting section and a protective sheet described in the above References 1 to 3 along their fold lines could have been easily done by a person skilled in the art.

Claims 6 and 7

References, etc. 1 to 5

Remarks

Reference 5 describes that an opening be set up on an applicator (page 4, upper right column; page 7, upper right column; FIGS. 6 and 7, etc.)

Providing an opening on the carrier system described in the above References 1 to 3 could have been easily done by a person skilled in the art.

List of Cited References

1. Japanese Unexamined Patent Publication (Kokai) No. 03-165769

2. Microfilm of Japanese Utility Model Application No. 55-144278

(Japanese Unexamined Utility Model Publication No. 57-067725)

3. Japanese Unexamined Patent Publication (Kokai) No. 2003-052740

4. Japanese Unexamined Patent Publication (Kohyo) No. 07-500751

5. Japanese Unexamined Patent Publication (Kokai) No. 01-107761

Record of Results of Prior Art Search

•Technical Field as Examined IPC A61F 13/02

•Prior art

Japanese Unexamined Patent Publication (Kokai) No.
2001-212171

Japanese Unexamined Patent Publication (Kokai) No.
2000-256185

Japanese Unexamined Patent Publication (Kokai) No. 02-
023965

Japanese Unexamined Patent Publication (Kohyo) No.
2007-516741

This Record of Results of Prior Art Search does not
constitute a reason for rejection.

If you have any questions regarding the content of
this Reasons for Rejection, or if you wish to arrange an
interview in relation to this case, please contact Ms. N.
Nakao, in the 2nd Examination Dept., Textile Processing and
Packaging Machinery Div.

Tel. 03-3581-1101 ext. 3320

Fax. 03-3581-1341